IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.845 OF 2005

Tarlok Singh Hukamsingh Suri ..Petitioner.
Vs.
Harminder Singh Tarlok Singh Suri & Ors. ..Respondents.

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Mr. Kamal Bulchandani i/b M/s. Kamal & Co. for the Petitioner.
Mr. S. N. Vaishnava for Respondent No.1.
Mrs. Vandana Mahadik i/b M/s. S.M. Associates for Respondent No. 2.
Mr. Milind More, AGP for the State.

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CORAM : DR.D.Y.CHANDRACHUD, J

28th March, 2005.

P.C. :

Counsel appearing on behalf of the Petitioner and for the First Respondent, who are the contesting parties, are agreed that the following order may be passed :

1) The Petitioner does not press the application on the basis of which the Deputy Registrar, Co-operative Societies, 'H' West Ward, Mumbai passed his order dated 7th October, 2004 (Exh.M-3). In the circumstances, by consent the aforesaid application shall stand dismissed as withdrawn and the order of the Deputy Registrar dated 7th October, 2004 shall stand quashed and set aside.

2) In the circumstances, by consent the order of the Divisional Joint Registrar dated 7th March, 2005 is also quashed and set aside.

3) The Petitioner and the First Respondent have agreed that until the question of title is settled by the appropriate forum, the Second Respondent shall continue to remit the monthly maintenance bills to the First Respondent as before. The First Respondent agrees and undertakes to make payment of the monthly maintenance bills to the co-operative society. However, it is clarified that the arrangement which has been arrived at in regard to the payment of the monthly maintenance bills shall not amount to an admission of title in respect

of the First Respondent.

Counsel appearing on behalf of the Co-operative Society states that the society has no objection to the aforesaid understanding between the parties. Since no other point has been pressed at this stage, the Petition is disposed of.